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MUNICIPAL ALCOHOL POLICY

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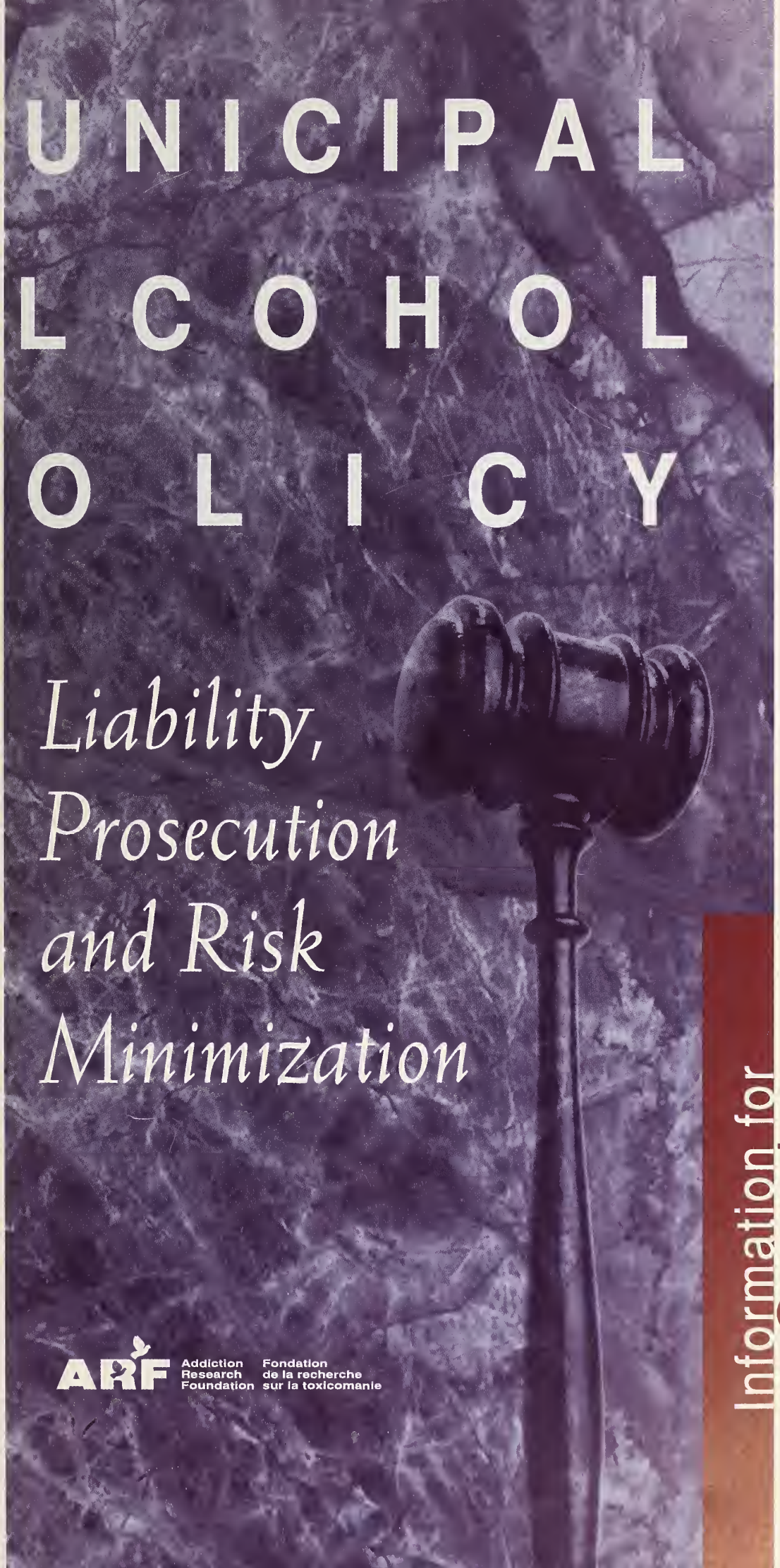
Liability, Prosecution and Risk Minimization



Information for Ontario Communities

ARF Addiction Research Foundation
Fondation de la recherche sur la toxicomanie

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Government Publications

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MUNICIPAL ALCOHOL POLICY

Liability, Prosecution and Risk Minimization

Information for Ontario Communities

January, 1996

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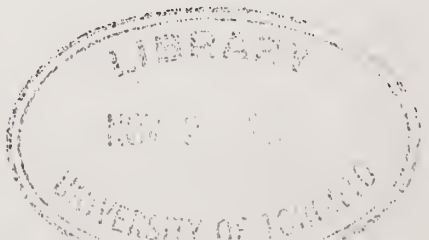

ARF'S COMMITMENT TO REDUCING ALCOHOL-RELATED HARM IN ONTARIO COMMUNITIES

The Addiction Research Foundation is an agency of the Province of Ontario committed to creating and applying research-based knowledge to reduce the harm caused by the abuse of alcohol and other drugs. To meet this goal, we work with others who share our vision of an Ontario free from the suffering caused by alcohol and other drug use.

The information in this booklet is provided to help municipal leaders understand alcohol-related risks and develop a policy strategy to reduce them. Other community stakeholders should also find this information helpful in creating healthier and safer communities.

Municipalities with policies governing the use of alcohol in their recreation facilities are reporting reductions in alcohol-related problems and little, if any, decrease in facility rentals. Those municipal officials who would like to benefit from the development of a Municipal Alcohol Policy (MAP) should contact our Community Programs Staff for assistance and information.

P.R.W. Kendall, MBBS, Msc., FRCPC
President and CEO
Addiction Research Foundation

ACKNOWLEDGEMENTS

The Addiction Research Foundation extends its appreciation to the Drinking/Driving Countermeasures Office, Ontario Ministry of the Attorney General for assistance in developing and producing this community resource.

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THE GROWING RISKS

In 1989, the Metropolitan Toronto Conservation Authority was held liable for over $215,000 when several intoxicated campers attacked the McGinty family. Although the campground was advertised as a quiet family place, staff largely ignored the McGintys' complaints about the assailants' noisy party. Later that evening, Mr. McGinty was badly beaten when he rushed over to the party in response to cries for help. The court held the Conservation Authority liable for failing to take reasonable steps to control the assailants' conduct. Despite previous incidents with the assailants that summer and a violent confrontation earlier that evening, staff did not eject them or try to prevent further problems.

This case shows the expanding liability for all alcohol-related injuries. The numbers and types of these civil suits have increased dramatically across Canada, particularly in Ontario. Contrary to popular belief, it is not only taverns and businesses that are being sued. Claims have also been brought against municipalities, universities, service clubs, government alcohol outlets, private social hosts, common carriers, police, and sponsors of alcohol-related events.

This booklet is designed to help municipal officials, politicians and volunteers understand their potential liability and the need for municipal alcohol policies – particularly for municipally-owned recreation facilities. First, we outline cases in which a municipality may be held liable. Then we briefly explain the main rights and obligations of municipalities. Finally, to help municipalities in designing their own risk minimization program, we outline a process for developing a Municipal Alcohol Policy (MAP) and suggest some measures to introduce safer practices.

WHEN CAN MUNICIPALITIES BE SUED?

Liability for Providing Alcohol

In the landmark case of *Jordan House Ltd. v. Menow,* the Supreme Court of Canada imposed a duty on alcohol providers to protect their intoxicated patrons. In this case, Hotel staff had ejected Menow, a regular patron, after he had become intoxicated and annoyed other customers. While staggering along the highway, Menow was hit by a negligent driver. Menow sued both the driver and the Hotel. The Supreme Court of Canada unanimously upheld both claims although two views emerged concerning the Hotel's liability.

One judge emphasized that the staff knew that Menow was irresponsible when intoxicated, violated provincial law in serving him when he was intoxicated, and ejected him even though they knew he had no safe way to get home. According to this judge, the staff should have tried to protect Menow by allowing him to spend the night in one of the Hotel's rooms, by calling the police or by arranging safe transportation home. Another judge defined an alcohol provider's liability more broadly. He believed that the staff neglected their common-law duty by serving Menow past the point of intoxication. Their obligation was to prevent intoxication and not just to protect patrons after they became intoxicated.

This broader definition of a provider's duty has largely prevailed. In later cases, providers have been held liable even though they did not know about the person's susceptibility to alcohol, did not know about the person's intoxication, and had not ejected the person. Providers may also be liable even though they did not provide all or even most of the alcohol that causes a customer to become intoxicated. Instead, providers must not serve alcohol to anyone past the point of intoxication or to someone who is already intoxicated. Providers who neglect this duty may be liable for any injuries that customers cause or suffer, either on or off the premises.

While there is a clear trend towards expanding liability, the exact bounds of a provider's liability are still evolving. For example, an Ontario court recently held that a

tavern was not liable for serving one beer to an intoxicated patron, because the staff had not had a sufficient chance to assess his intoxication. Nevertheless, the court stated that once the staff realized that the patron was intoxicated, they had a duty to prevent him from driving – even if they had to call the police.

Liability as an Occupier

A municipality can also be held liable as an "occupier" for any alcohol-related injuries that occur on its property. The Ontario Occupiers' Liability Act defines an occupier as anyone who controls the premises and has the power to admit or exclude entrants. The Act requires occupiers to take "reasonable steps" to ensure that all entrants are "reasonably safe while on the premises." Depending on the facts, several parties may be considered to be co-occupiers of a place. For example, if a dance is held at a municipal hall, the occupiers could include the club that is renting the hall, the caterer who is managing the event, and the municipality that is providing security and janitorial staff. Although it is not widely known, occupiers' liability has accounted for more alcohol-related suits than providers' liability. The following section discusses some types of situations in which occupiers may be held liable.

Physical Condition of the Premises

Like other occupiers, licensees must ensure that their premises are reasonably safe for their patrons. In *Niblock v. Pacific National Exhibition*, an extremely intoxicated man was seriously hurt when he fell over a low railing on a steep staircase. The railing was several inches lower than the building code required. The injured man sued the Pacific National Exhibition and the City of Vancouver, which both attributed the accident solely to the man's intoxication. In rejecting this argument, the court emphasized that the British Columbia Occupiers' Liability Act (like its Ontario counterpart) requires that occupiers ensure that their premises are reasonably safe for anyone who may foreseeably enter. Since there were three licensed premises on the grounds, some patrons could be expected to become intoxicated. In holding the Exhibition liable, the court ruled that the premises had to be reasonably safe not only for sober patrons, but also for intoxicated customers if their presence was foreseeable.

A municipality can also be held liable as a landlord under the Ontario Occupiers' Liability Act for injuries that are caused by the physical condition of its facilities.

Consequently, a municipality that rents its community hall for a wedding may be held liable if an intoxicated guest falls down a poorly lit staircase, slips on a loose carpet or walks into a glass patio door.

Conduct of the Entrants

As the *McGinty* case shows, occupiers may be held accountable for the conduct of people whom they have allowed to enter or to remain on their premises. Before the Occupiers' Liability Act was introduced in 1980, the courts focused on the foreseeability of the incident – that is, they considered whether the assailant was known to be violent or showed signs of becoming violent. Now, however, occupiers may be held liable for simply tolerating a situation in which violent or careless behaviour is foreseeable, even if the specific incident is not.

This reasoning may have prompted the $700,000 settlement in the *Munier* case. In this case, an intoxicated young man became a quadriplegic after he started a fight at a large "bush party" hosted by a farmer's son. None of the 300 youths who attended the party was formally invited; nor did the farmer or his son supply them with alcohol. The farmer was sued as an occupier simply for allowing an event on his property that he knew or ought to have known posed foreseeable risks of injury. Previous bush parties had also resulted in problems. Municipalities cannot afford to ignore patrons or guests who are becoming hostile or to continue to hold events on their property that have posed problems in the past.

Activities on the Premises

In *Jacobson v. Kinsmen Club of Nanaimo*, the Club sponsored a "Bavarian beer garden" in a large curling arena. During the festivities, patrons entertained the crowd twice by climbing a support beam and "mooning" those below. Later, when a patron known only as "Sunshine" tried to mimic these actions, he lost his grip and fell 30 feet onto Jacobson, knocking him unconscious. Sunshine was unharmed in the incident and left shortly afterwards. Jacobson sued the Club for allowing this unsafe activity on its premises. The court stated that the Club would not have been held liable if the injury had occurred during one of the first two climbs. However, by the time Sunshine climbed the beam, staff should have recognized the possible danger to the patrons. The court concluded that by not stopping Sunshine, the Club failed its duty as an occupier and was liable. City staff, volunteers and security must step in before foreseeably dangerous activities cause injuries and potential law suits.

Additional Bases of Liability

Sponsoring Activities

In 1988, the Supreme Court of Canada held a resort liable for injuries that Crocker, an intoxicated guest, suffered while participating in the resort's tube-racing contest. Although staff had tried twice to discourage Crocker from racing, the court viewed their efforts to be insufficient. The court found that sponsors of potentially dangerous events have a duty to prevent intoxicated persons from participating, even if the sponsor did not contribute to the person's intoxication. As the sponsor, the resort should have prevented Crocker from competing by disqualifying him, postponing the event or calling the police. The sponsor's obligation to take preventive actions increases with the dangerousness of the event and the participant's apparent intoxication.

Transporting the Intoxicated

By providing transportation to the intoxicated, municipalities and those who rent their facilities have legal obligations in their role as "common carriers." First, common carriers may be held liable for ejecting an intoxicated passenger who is in a helpless condition. For example, in *Dunn v. Dominion Atlantic Railway Co.*, the Supreme Court of Canada held the Railway liable for the death of an intoxicated passenger, who was hit by a train after he had been ejected at a closed, unlit station late at night. Second, common carriers must take reasonable care to prevent intoxicated passengers from injuring others. However, carriers will not be held accountable for every injury an intoxicated passenger causes – only for those that are reasonably foreseeable and preventable.

Use of Excessive Force

Using unnecessary or excessive force to manage intoxicated persons seems to have produced more civil suits than either providers' or occupiers' liability. In *Ekblad v. Commonwealth Holiday Inns of Canada*, a customer argued persistently with the doorman over whether he could have a candle on his table. When the patron followed the doorman to repeat his request, the doorman punched him in the face, knocking him unconscious. The judge said that even if the doorman was justified in using force to resolve this verbal dispute, striking the patron in the head was unreasonable in these circumstances. Consequently, both the doorman and the Inn were held liable to the patron for over $250,000. The case shows that force cannot be used to teach a patron a lesson, to settle a

verbal dispute or to enforce house rules. Nor can force be used once the person has been subdued or ejected. What constitutes unnecessary force or excessive force will depend on the specific facts of the case.

Liability of Police

Police can be sued for failing to protect and control the intoxicated in a growing number of situations. This trend is important to municipalities, which are ultimately liable for police activities. First, police may be held responsible for using unnecessary or excessive force in managing intoxicated persons. Second, they may be liable for negligently supervising intoxicated prisoners who, for example, set fires in their cells or commit suicide while in custody. Third, police have been sued for negligently enforcing laws concerning drinking and driving. For example, an officer who does not arrest an obviously intoxicated driver may be held liable if that driver later causes an accident. Finally, police may be held responsible for negligently failing to get medical help for an intoxicated suspect who they know – or ought to know – needs medical help.

Similar liability principles would apply to "off-duty" police officers who were hired to provide security at a municipal or private event. Thus, an officer could be held liable for not trying to stop a fight or for allowing intoxicated patrons to drive away from the event.

Liability of Volunteers, Sponsoring Clubs and Facility Renters

The fact that municipalities' potential liability has expanded dramatically in recent years does not limit the liability of those who run, sponsor or host the event. These individuals, groups and organizations can and will be sued for alcohol-related injuries that their events cause. They will be named as defendants and can be held liable as well as the municipality. In fact, a municipality may try to reduce its own losses by naming the sponsor or organizer as co-defendants.

MUNICIPALITIES' LEGAL RIGHTS AND OBLIGATIONS

Those responsible for managing municipal facilities where alcohol may be served should understand their rights and obligations under provincial alcohol laws. First, the scope of liability is broad. Anyone who knowingly helps in an offence or directs someone to commit an offence may be found guilty along with the main offender. Also, any director or officer of a corporation who allows an offence to occur may be personally prosecuted. Thus, a server, manager, municipal officer and the municipality may all be found guilty of a single offence. Second, violations of the law may result in severe penalties and licensing consequences, including a municipality's liquor licence being suspended or revoked. Third, even if no party is prosecuted, any violation of the provincial alcohol law may undermine a municipality's legal position in a later civil suit. Finally, the legislation gives providers broad powers that can be used to eliminate many of the situations that lead to legal difficulties. Here are some of the key sections:

General Provisions

- It is an offence to sell or provide alcohol to a person who is or appears to be intoxicated. In civil cases, the courts typically consider intoxication to be a blood-alcohol level above .08 percent.
- Anyone under age 19 is prohibited from drinking, buying, attempting to buy, or otherwise obtaining alcohol. Although under-age persons may be allowed to enter licensed premises, they must not be served alcohol or be allowed to drink alcohol.
- It is an offence to have or drink alcohol in any place other than a home, private place, or a facility that has a licence or permit. Consequently, it is illegal for a person to drink in a public park, beach, recreation centre lobby, street, or stadium parking lot.
- It is an offence to be intoxicated in a public place.

Regulatory Provisions

- The legislation narrowly defines permissible advertising. For example, a licensee is generally restricted to advertising only the name of the establishment, the fact that it has a licence and the general types of liquor sold. Similar restrictions apply to advertising events that are held under most types of special occasion permits. For example, advertising is not permitted for a non-profit reception.
- The alcohol legislation greatly limits the marketing practices of alcohol manufacturers. For example, manufacturers may not give free alcohol to any person, except as permitted by law. Manufacturers also cannot give inducements to a licensee or permittee in return for preferential treatment of their products.
- Similarly, licensees and permittees cannot seek or accept inducements from manufacturers. Thus, if a beer manufacturer pays for the band at a municipal dance in return for preferential promotion of its products, both the manufacturer and the municipal licensee or permit holder would be violating the law.
- Licensees and permittees cannot allow drinking contests, or give patrons free alcohol volume discounts, or prizes of alcohol.
- The alcohol legislation requires licensees and permittees to eject patrons who are unlawfully present or acting unlawfully. If these patrons refuse to leave, licensees can use reasonable force to remove them.
- Licensees must not allow drugs, drunkenness, and riotous or violent conduct on the premises.
- Licensees and permittees have broad rights to deny entry to and eject anyone whose presence is undesirable. The term "undesirable" includes anyone whose presence would violate the legislation, such as intoxicated, violent or quarrelsome patrons. However, the right to deny entry is not absolute; it cannot be used to bar liquor inspectors and police, or used in a way that violates human rights legislation.

Related Powers

- Ontario's trespass legislation gives occupiers even broader powers to control who may enter and remain on the premises, and additional authority to use force.
- The Criminal Code gives occupiers extensive powers to eject trespassers and to arrest anyone who is committing criminal offences on the property. The Criminal Code also authorizes all individuals to use force in self-defence, defence of others and defence of property.
- While occupiers may have authority to use physical force in certain limited circumstances, every effort should be made to resolve the conflict peacefully. There is civil and criminal liability for those who use unnecessary or excessive force.

DEVELOPING A MUNICIPAL ALCOHOL POLICY

Municipalities traditionally have developed policies in response to problems as they arise. However, adopting isolated initiatives such as designated driver programs and waivers of liability, may do more harm than good if they provide individuals with a false sense of security. Given their broad exposure to liability and prosecution, municipalities need an effective planning process to develop a comprehensive policy. We recommend the following process for developing a MAP and also provide suggestions for implementing the policy and attaining community compliance.

Better Policy Formulation

Involving the community in developing the policy will encourage facility users to comply with the policy. Listed below are some guidelines for developing an alcohol management policy. The process involved in developing the policy will allow the municipality to retain corporate leadership, involve community facility users, include existing good practices, and retain expert advice.

- Municipal leaders who wish to develop a MAP should consult with staff from a Community Programs Office of the Addiction Research Foundation (ARF)[1] and/or Public Health Unit (PHU) who have skills in developing alcohol management policies. Similarly, citizens who want their Municipal Council to consider this policy option are encouraged to seek ARF/PHU input.
- Once it has been decided that an alcohol management policy would benefit the municipality, it is advisable to formally obtain senior management support to proceed – preferably through a motion from Council.

1 Locations of ARF Community Program Offices can be obtained by phoning the ARF Information Centre: Metro Toronto (416) 595-6111; Ontario Toll-Free 1-800-INFO-ARF (1-800-463-6273).

- Involve other municipal departments, facility users, and community stakeholders in developing the policy. We recommend forming a policy committee – possibly involving municipal recreation staff, municipal solicitors, city/town/township volunteers, police, service clubs, sport groups, and drinking/driving countermeasure groups. Some stakeholders, however, may be unable to participate as members of the policy committee. In these cases, invite liquor inspectors, fire fighters and other community organizations to participate on a limited basis or to attend a special public meeting.
- Outline terms of reference to guide the policy committee's work. For example, committee members might be asked to inspect municipal facilities, identify alcohol-related problems, review existing serving/management practices, examine the Liquor Licence Act, attend a server training course, review case law, and discuss the research on drinking practices.
- A municipal representative should be assigned as the chair of the committee and ARF/PHU staff as ongoing consultants. The committee should meet several times at three-week intervals to draft a policy for Council approval. Inform municipal leaders and other interested parties of the committee's discussions by circulating the minutes of all meetings.
- City officials should review the draft policy and, along with the policy committee, present it to Senior Management/Council for approval.
- Following the first year of operation, municipal staff may choose to review the impact of implementing the policy (such as reported vandalism, public complaints, police intervention, fights, LLBO investigations, injuries, etc.). If changes are suggested, a further report should be made to Senior Management/Council.

Effective Policy Implementation

Developing a MAP actually starts the implementation process since involving users in creating policy introduces them to the new regulations. Public participation should also increase the number of community members who willingly comply with the policy. Although some enforcement will be needed, the goal of implementing a policy is to gain voluntary community compliance by promoting the benefits of the policy to users. Therefore, we provide the following suggestions:

- A municipal employee – usually someone in recreation and leisure services – should design an implementation strategy. This person may choose to work with a marketing specialist. Since ARF/PHU staff may have been involved in developing the policy and have access to other initiatives in the province, the municipality should consult with them throughout this process.

- The implementation process should promote the benefits of the policy to various users of municipal facilities. These benefits may include: avoiding prosecution or loss of the liquor licence; reducing the chance of being sued for contributing to an accident; attracting tourists because they will not be assaulted by a drunk; providing groups with equal access to facilities; and improving the quality of community life by not offering events that contribute to health, social and public order problems.
- The municipality should launch a campaign to inform user groups and the public about the policy. The policy can be promoted through public service announcements (PSAs) on radio and television, news stories and public meetings, as well as by posting signs and handing out pamphlets. The policy can also be printed in municipal publications.
- The municipality can offer ongoing server training courses for staff and community groups.
- Some regulations in the policy may have to be reviewed by the legal department and passed by Council as by-laws.
- Any staff whose responsibilities are affected by the policy should have new duties added to their job descriptions. Some staff may need an orientation meeting to provide them with information about the policy and their new responsibilities.
- The implementation strategy should last at least a year, with periodic public information campaigns to introduce the policy to new users and to remind existing users of the policy and its benefits.

POLICY IMPACT ON FACILITY USE AND PROBLEM REDUCTION

A MAP should be sufficiently detailed to cover all facilities and programs in which a municipality allows alcohol to be served by its staff, volunteers, user/rental groups, and caterers. The policy should focus on setting effective management practices to reduce accidental deaths, injuries, liquor-licence violations, and criminal prosecution. The policy should reinforce serving alcohol responsibly to prevent intoxication and supervising the intoxicated if someone becomes intoxicated. If your municipality wishes to review a policy, samples are available from the Addiction Research Foundation's Community Programs Offices.

An ARF survey[2] of Ontario municipalities estimated that approximately one-third of cities, towns, townships and villages with facilities that can host alcohol events had developed or were developing a formal written policy. Of those with completed policies, nearly 50 percent reported that facility rentals have remained the same or increased since adopting an alcohol management policy. Of the remaining municipalities with policies, seven percent indicated that they were uncertain and 23 percent believed that it was too soon to assess the effects. Only 22 percent experienced some rental loss.

Approximately 41 percent of the municipalities with policies reported reductions in one or more of the following problems: under-age drinking, fights, vandalism, police interventions, public complaints, injuries, legal actions, unlicensed drinking, intoxication, LLBO penalties, and drinking and driving. The other municipalities were uncertain or indicated that their policies had not been in effect long enough to have an impact.

Generally, municipalities reported a decline in problems six months after adopting their MAPs with minimal, if any, reductions in rentals. Listed below are some concrete elements that should be reflected in a policy.

2 For a complete report of the survey findings, contact Dr. Louis Gliksman, Scientist, Addiction Research Foundation, The Gordon J. Mogenson Building, 100 Collip Circle, Suite 200, University of Western Ontario Research Park, London, Ontario, N6G 4X8. Tel: (519) 858-5010 ex. 2000. Fax: (519) 858-5199. E-Mail: gliksman@julian.uwo.ca.

A CHECKLIST FOR ALCOHOL-RELATED EVENTS

Adequate Preparation

Careful preparation can avoid many situations that produce accidents and subsequent legal difficulties:

- ☑ Municipalities must use care when renting their facilities because one group's misbehavior may result in Ontario Liquor Licence Board penalties that preclude future use of the premises for alcohol-related events.
- ☑ Provide community user groups with a list of municipal facilities that can be rented for alcohol-related events.
- ☑ Large alcohol-related events (such as major athletic competitions, outdoor fairs and festivals), continue to generate serious problems. Municipalities should have specific rules to guide their planning.
- ☑ As sponsors of social events and sporting activities, municipalities must ensure that alcohol is not combined with potentially dangerous activities, such as boating, swimming or skiing. If this is not possible, alcohol should only be available when the physical events are completed. Municipal staff, facility renters or volunteers should at least screen potential participants for signs of intoxication.
- ☑ Alcohol-related accidents should be thoroughly investigated and efforts made to avoid similar problems in the future. A municipality that ignores past problems or known risks will seriously undermine its legal position in any later civil suit or prosecution.
- ☑ Do not allow drinking to be the focus of any municipal event or alcohol-related event held on municipal property.
- ☑ Develop a comprehensive set of alternative transportation policies, such as a designated-driver program, to address the problem of drinking and driving.

Effective Event Management

Proper management of licensed premises and special occasion permit events can significantly reduce the risks of accidental deaths and injuries:

- ☑ Ensure that all licensed premises and events held under special occasion permits are managed by individuals who are experienced in the food and beverage industry or by trained community volunteers.
- ☑ The premises and the surrounding area should be inspected regularly to ensure that they are reasonably safe for both sober and intoxicated patrons. Even fairly minor changes, such as improving the lighting in stairways and adding handrails, can significantly reduce the risk of injuries.
- ☑ Ensure that security arrangements are adequate given the size of the event, the location, the people attending, and previous problems, if any.
- ☑ Adopt a policy of greeting entrants at the door. This way, staff can turn away intoxicated, rowdy or otherwise troublesome patrons. It also ensures compliance with room capacity limits.
- ☑ Municipalities should develop policies governing identification procedures for apparently underage patrons (such as asking the patron for a photo driver's licence or age of majority card). These policies should be widely publicized and posted at all licensed premises and SOP events.
- ☑ Require those operating the SOP event to abstain before and while they are serving or actively supervising the event.

Serving Alcohol Responsibly

A municipality's risk of being sued increases with the number of people who become intoxicated and how intoxicated they become. Consequently, municipalities should outline a broad range of responsible serving practices for their licensed premises and alcohol-related events.

- ☑ Provide food during the event. Food consumption slows down the absorption of alcohol, thereby lowering a drinker's peak blood-alcohol level.
- ☑ Encourage patrons to drink non-alcoholic or low-alcohol beverages by providing them free or at reduced prices.
- ☑ At special occasion events, serve drinks to patrons rather than offering a self-serve bar. A self-serve bar encourages heavy drinking and denies bartenders the opportunity to assess guests' condition.

- ☑ Serving practices that make it difficult to monitor a patron's drinking, such as serving extra-strong drinks and double rounds, should be discouraged or banned. Limit the number of drinks or drink tickets that patrons can purchase at one time.
- ☑ Do not set the price of alcohol too low since this will encourage heavy drinking.
- ☑ Stop serving alcohol long before the event ends. Do not announce "last call."
- ☑ Ensure that servers have some experience and training. They should at least be able to identify signs of intoxication, understand their obligations under the liquor legislation and realize that they may be held civilly liable. You may choose to hire professional staff; if so, ask to see their training certification.
- ☑ Do not tolerate drinking competitions or any other illegal behavior.

Supervising the Intoxicated

Despite your best efforts, people may become intoxicated at alcohol-related events. Consequently, municipalities should have policies in place to deal with intoxicated patrons.

- ☑ At all alcohol-related events, staff and facility renters should focus on patrons' behaviour. They should be encouraged to speak with anyone who is showing signs of intoxication.
- ☑ Given the civil and criminal consequences of using excessive force, staff and facility users should be trained to avoid and defuse potential confrontations. They should only use force as a last resort and only when it is necessary to defend themselves, other patrons, volunteers or staff.
- ☑ Post signs stating the municipality's policy not to serve anyone who appears intoxicated or otherwise at risk. This makes it far easier for servers to refuse serving alcoholic drinks and to offer food and non-alcoholic substitutes.
- ☑ Staff and facility renters should be given authority to refuse the service of alcohol to any patron who they believe is under-age, intoxicated, high on drugs, rowdy, or otherwise troublesome. Event managers should fully support their decision, regardless of the patron involved.
- ☑ If someone becomes intoxicated, event operators must make arrangements for them to be taken home safely. If, however, an intoxicated patron insists on driving home, event operators may have to call the police and attempt to detain that person.

LIP SERVICE

WON'T DO

Given the current laws, it is not enough simply to talk about "responsible serving practice" and "moderate consumption." Nor will drafting new policies have much effect by itself. Progress will not occur until the practices of staff, volunteers and groups renting municipal facilities change. To achieve this change, municipalities must take effective action to publicize, implement and enforce their policies. Unfortunately, failure to do so will be measured in alcohol-related deaths, injuries, civil suits and prosecutions.

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